



## DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE DEFINITION OF PUBLIC WATER SYSTEM

#99-112(WPCB)

### Overview

The Indiana Department of Environmental (IDEM) has developed draft rule language for amendments to rules concerning the definition of public water system.

### Citations Affected

This rule amends 327 IAC 8-1-3, 327 IAC 8-2-1, 327 IAC 8-3-1, 327 IAC 8-3.5-1, 327 IAC 8-4.1-1, and 327 IAC 8-10-1

### Affected Persons

All public water systems.

### Reason(s) for the Rule

On April 28, 1998, the U.S. Environmental Protection Agency published a revised definition of "public water system" in the Federal Register. U.S. EPA revised the definition in response to changes made to the 1996 amendments to the federal Safe Drinking Water Act based on the court ruling in Imperial Irrigation District v. United States Environmental Protection Agency, 4 F. 3d 774 (9<sup>th</sup> Cir. 1993), concerning an irrigation district supplying residences, schools, and businesses with untreated water through open canals.

### Economic Impact of the Rule

There will be no cost to public water systems to comply with this rule. Currently there are no public water systems in Indiana that supply residences, schools, and businesses with untreated water through open canals.

### Benefits of the Rule

The changes in the definition of public water system will ensure safe drinking water is delivered to customers and will not allow any public water system to supply residences, schools, and businesses with untreated water through open canals.

### Description of the Rulemaking Project

The amendments to the existing rules will establish

a more stringent definition of community water systems.

This rulemaking is necessary in order to be consistent with the requirements of the federal Safe Drinking Water Act. The new federal definition of "public water system" (or a more stringent definition) must be adopted by each state no later than April 28, 2000, in order to maintain primary enforcement authority under the federal Safe Drinking Water Act.

### Scheduled Hearings

First Public Hearing: October 13, 1999, at the Indiana Government Center- South Building, Rooms 1 & 2, at 1:30 P.M.

### Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### Consistency with Federal Requirements

The new rules are consistent with federal Safe Drinking Water Act Amendments of 1986, and the Safe Drinking Water Act Amendments of 1996.

### **Rulemaking Process**

A first notice of comment period was published in the *Indiana Register* on July 1, 1999. This includes a discussion of issues and opens a first comment period. A second notice of comment period was published in the *Indiana Register* on September 1, 1999, which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from Brian Shaw, Rules Section, Office of Water Management, (317) 233-8283 or (800) 451-6027 (in Indiana).